PTO/3B/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. **Application Number** 10/804,609 RANSMITTAL Filing Date March 18, 2004 **FORM** First Named Inventor Mark H. Eskridge Art Unit all correspondence after initial filing) 2814 **Examiner Name** Long Pham Attorney Docket Number H0005288 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance communication Fee Transmittal Form Drawing(s) to Technology Center (TC) Appeal Communication to Board Fee Attached Licensing-related Papers of Appeals and Interferences Appeal Communication to TC Petition (Appeal Notice, Brief, Reply Brief) Amendment/Reply Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Endosure(s) (please X Terminal Disclaimer Extension of Time Request Identify below): 2 Return Receipt Postcards Request for Refund Express Abandonment Request CD, Number of CD(s) Information Disclosure Statement Remarks Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37. CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Charles J. Rupnick (Reg. No.: 43,068) Individual name Signature Date July 26, 2005 CERTIFIC ATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Typed or printed name Charles J. Rupnick Date July 26, 2005 Signature

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gethering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/of-suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and

Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Date of Deposit: July 26, 2005

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Alexandria, VA 22313-1450.

Charles J. Rupnick

(Typed or printed name of person mailing)

15

Signature of Person Mailmg)

20 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.

10/804,609

Confirmation No.:

9561

Inventor(s)

Mark H. Eskridge

Filed

March 18, 2004

25 TC/A.U. 2814

Examiner

Long Pham

Docket No.

H0005288

Customer No.:

00128

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Mail Stop: Amendment Commissioner for Patents PO Box 1450

Alexandria, VA 22313-1450

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## **Cover Sheet for**

## Information Disclosure Statement Under 37 C.F.R. § 1.56

## 40 Commissioner for Patents:

In accordance with 37 C.F.R. §§ 1.56 and 1.97 through 1.98, Applicant wishes to make known to the Patent and Trademark Office the references set forth on the attached form PTO-SB08 (copies of the cited non-US patent references are enclosed). As to any reference supplied, Applicant does not admit that it is "prior art" under 35 U.S.C. §§ 102 or 103, and

Serial No.: 10/804,609

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Information Disclosure dated: July 26, 2005

specifically reserves the right to traverse or antedate any such reference, as by a showing under 37 C.F.R. § 1.131 or other method. Although the aforesaid references are made known to the Patent and Trademark Office in compliance with Applicant's duty to disclose all information he is aware of which is believed relevant to the examination of the above-identified application, Applicant believes that his invention is patentable. Please acknowledge receipt of this Information Disclosure Statement and kindly make the cited references of record in the above-identified application.

Each item of information contained in the instant Information Disclosure Statement was first cited in a search report prepared by the International Searching Authority in a counterpart application filed on March 18, 2005, under the Patent Cooperation Treaty in a Search Report mailed on June 30, 2005, not more than three (3) months prior to the filing of the instant Information Disclosure Statement.

Additionally, this Information Disclosure Statement being filed: (1) Within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d); (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; (3) Before the mailing of a first Office action on the merits; or (4) Before the mailing of a first Office action after the filing of a request for continued examination (RCE) under 37 C.F.R. § 1.114, and therefore no fee is believed due.

If the Examiner has questions or wishes to discuss any aspect of the case, the Examiner is encouraged to contact the undersigned at the telephone number given below.

20 Respectfully submitted, Attorney: Charles J. Rupnick 25 Registration No.: 43,068 Date: July 26, 2005 Post Office Address: PO Box 46752 Seattle, WA 98146 Phone Number: (206)439-7956 30

Facsimile:

(206) 439-3223

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Complete if Known			
Application Number 10/804,609			
Filing Date	March 18, 2004		
First Named Inventor	Mark H. Eskridge		
Art Unit	2814		
Examiner Name	Long Pham		
Attomey Docket Number	H0005288		

	U.S. PATENT DOCUMENTS				
Examiner Initials		Dusument Number Number - Kind Code <sup>2</sup> (if known	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Culumns, Lines, Where Relevant Passages or Relevant Figures Appear
		us- 6,630,725	10-07-2003	Kuo, et al.	
		us- 6,214,644	04-10-2001	Glenn	The first was to the control of a second
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	FOREIGN PATENT DOCUMENTS						
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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.